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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,319	01/29/2004	James C. Fackler	CRNC.103498	5484
46169	7590	10/04/2007		
SHOOK, HARDY & BACON L.L.P. Intellectual Property Department 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER SEREBOFF, NEAL	
			ART UNIT	PAPER NUMBER
			3626	
			MAIL DATE	DELIVERY MODE
			10/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/767,319

Applicant(s)

FACKLER ET AL.

Examiner

Neal R. Sereboff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Notice to Applicant*

1. Claims 1 – 21 are pending and the Information Disclosure Statement (PTO-1449) submitted on 9/29/2005 has been considered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 – 3, 8 – 10 and 15 - 17** are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al., U.S. Patent Number 5,651,775.
4. As per claim 1, Walker teaches a method in a computer system for reducing the risk of adverse clinical events when administering multiple medications to a patient, comprising:
  - Associating a first medication with a first attachment (column 7, lines 23 – 30 where the first drug is loaded into the syringe label cradle or SLC);
  - Associating a second medication with the first attachment (column 7, lines 23 – 30 where the second drug is connected to the SLC); and
  - Determining whether the medications are compatible with one another (column 3, lines 1 – 7), if so, generating an alert (column 10, lines 3 – 9 where a warning is flashed).
5. As per claim 2, Walker teaches the method of claim 1 as described above. Walker further teaches the method wherein the attachment is an intravenous (IV) line (column 2, lines 35 – 47).

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6. As per claim 3, Walker teaches the method of claim 1 as described above. Walker further teaches the method comprising receiving orders for the first and second medications (column 8, line 65 through column 9, line 6 where drugs is plural and therefore the order is for all prescribed medications).

7. As per claim 8, Walker teaches a computerized system for reducing the risk of adverse clinical events when administering multiple medications to a patient, comprising:

- A first associating module for associating a first medication with a first attachment (column 7, lines 23 – 30 where the first drug is loaded into the syringe label cradle or SLC);
- A second associating module for associating a second medication with the first attachment (column 7, lines 23 – 30 where the second drug is connected to the SLC); and
- A determining module for determining whether the medications are compatible with one another (column 3, lines 1 – 7), if so, generating an alert (column 10, lines 3 – 9 where a warning is flashed).

8. As per claim 9, Walker teaches the system of claim 8 as described above. Walker further teaches the system wherein the attachment is an intravenous (IV) line (column 2, lines 35 – 47).

9. As per claim 10, Walker teaches the system of claim 8 as described above. Walker further teaches the system comprising a receiving module for receiving orders for the first and second medications (column 8, line 65 through column 9, line 6 where drugs is plural and therefore the order is for all prescribed medications).

10. As per claim 15, Walker teaches a computer-readable medium having computer-executable instructions for performing a method, the method comprising:

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- Associating a first medication with a first attachment (column 7, lines 23 – 30 where the first drug is loaded into the syringe label cradle or SLC);
- Associating a second medication with the first attachment (column 7, lines 23 – 30 where the second drug is connected to the SLC), and determining whether the medications are compatible with one another (column 3, lines 1 – 7), if so, generating an alert (column 10, lines 3 – 9 where a warning is flashed).

11. As per claim 16, Walker teaches the method of claim 15 as described above. Walker further teaches the method wherein the attachment is an intravenous (IV) line (column 2, lines 35 – 47).

12. As per claim 17, Walker teaches the method of claim 15 as described above. Walker further teaches the method comprising receiving orders for the first and second medications (column 8, line 65 through column 9, line 6 where drugs is plural and therefore the order is for all prescribed medications).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 4 – 7, 11 – 14 and 18 – 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent 5,651,775 in view of Legal Precedent.

15. As per claim 4, Walker teaches the method of claim 3 as described above.

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Walker further teaches the method wherein the first medication order is received by a first graphical indicia, and receiving a user selection of the first graphical indicia (column 13, line 61 through column 14, line 29 where the icons may be customized to any form).

Walker does not explicitly teach the method wherein the first medication order is received by displaying a representation of at least a portion of a human body and a first graphical indicia indicative of the location of the attachment on the patient, and receiving a user selection of the first graphical indicia.

According to MPEP §2144.04(I), “matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.” In re Seid, 161 F. 2D 229, 73 USPQ 431 (CCPA 1947)

16. As per claim 5, Walker in view of Legal Precedent teaches the method of claim 4 as described above. Walker further teaches the method comprising receiving order details for the first medication after the user selection is received (column 8, line 65 through column 9, line 6 where the system begins loading the prescription information after the icon is pushed to engage the medicine).

17. As per claim 6, Walker in view of Legal Precedent teaches the method of claim 4 as described above. Walker further teaches the method wherein the first graphical indicia is an icon (see column 8, line 65 through column 9, line 6).

18. As per claim 7, Walker teaches the method of claim 3 as described above.

Walker further teaches the method comprising displaying a plurality of graphical indicia (see column 8, line 65 through column 9, line 6).

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Walker does not explicitly teach the method further comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient.

According to MPEP §2144.04(I), “matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.” In re Seid, 161 F. 2D 229, 73 USPQ 431 (CCPA 1947)

19. As per claim 11, Walker teaches the system of claim 10 as described above.

Walker further teaches the system wherein the first medication order is received by a first graphical indicia, and receiving a user selection of the first graphical indicia (column 13, line 61 through column 14, line 29 where the icons may be customized to any form).

Walker does not explicitly teach the system wherein the first medication order is received by displaying a representation of at least a portion of a human body and a first graphical indicia indicative of the location of the attachment on the patient, and receiving a user selection of the first graphical indicia.

According to MPEP §2144.04(I), “matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.” In re Seid, 161 F. 2D 229, 73 USPQ 431 (CCPA 1947)

20. As per claim 12, Walker in view of Legal Precedent teaches the system of claim 11 as described above. Walker further teaches the system wherein the receiving module receives order details for the first medication after the user selection is received (column 8, line 65 through column 9, line 6 where the system begins loading the prescription information after the icon is pushed to engage the medicine).

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21. As per claim 13, Walker in view of Legal Precedent teaches the system of claim 11 as described above. Walker further teaches the system wherein the first graphical indicia is an icon (see column 8, line 65 through column 9, line 6).

22. As per claim 14, Walker teaches the system of claim 10 as described above.

14. The system of claim 10, further comprising:

Walker further teaches the system comprising displaying a plurality of graphical indicia (see column 8, line 65 through column 9, line 6).

Walker does not explicitly teach the system further comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient.

According to MPEP §2144.04(I), “matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.” In re Seid, 161 F. 2D 229, 73 USPQ 431 (CCPA 1947)

23. As per claim 18, Walker teaches the method of claim 17 as described above.

Walker further teaches the method wherein the first medication order is received by a first graphical indicia, and receiving a user selection of the first graphical indicia (column 13, line 61 through column 14, line 29 where the icons may be customized to any form).

Walker does not explicitly teach the method wherein the first medication order is received by displaying a representation of at least a portion of a human body and a first graphical indicia indicative of the location of the attachment on the patient, and receiving a user selection of the first graphical indicia.



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According to MPEP §2144.04(I), “matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.” In re Seid, 161 F. 2D 229, 73 USPQ 431 (CCPA 1947)

24. As per claim 19, Walker in view of Legal Precedent teaches the method of claim 18 as described above. Walker further teaches the method comprising receiving order details for the first medication after the user selection is received (column 8, line 65 through column 9, line 6 where the system begins loading the prescription information after the icon is pushed to engage the medicine).

25. As per claim 20, Walker in view of Legal Precedent teaches the method of claim 19 as described above. Walker further teaches the method wherein the first graphical indicia is an icon (see column 8, line 65 through column 9, line 6).

26. As per claim 21, Walker teaches the method of claim 17 as described above. Walker further teaches the method comprising displaying a plurality of graphical indicia (see column 8, line 65 through column 9, line 6).

Walker does not explicitly teach the method further comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient.

According to MPEP §2144.04(I), “matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.” In re Seid, 161 F. 2D 229, 73 USPQ 431 (CCPA 1947)

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Hickle et al., U.S. Pre-Grant Publication 2003/ 0135087

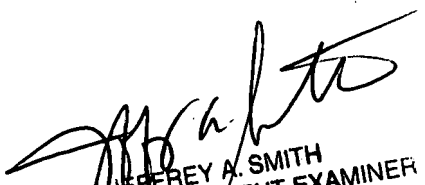
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373.

The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NRS/  
9/6/2007

  
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